

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

MARC SOBEL

Applicant for Certain Part 90 Authorizations
in the Los Angeles Area and Requestor Of
Certain Finder's Preferences

**MARC SOBEL AND MARC SOBEL
D/B/A AIR WAVE COMMUNICATIONS**

Licensees of Certain Part 90 Stations in the
Los Angeles Area

)
)
) WT DOCKET NO. 97-56
)

RECEIVED

MAR 25 2003

*Federal Communications Commission
Office of Secretary*

To: The Commission

**ENFORCEMENT BUREAU'S
MOTION TO STRIKE SUPPLEMENTS TO
PETITION FOR RECONSIDERATION**

1. On September 17, 2002, Marc Sobel ("Sobel") filed a pleading styled "Supplement to Petition for Reconsideration" and, on March 5, 2003, he submitted a "Second Supplement to Petition for Reconsideration." (Sobel's September 17, 2002 and March 5, 2003 pleadings are collectively referred to herein as the "Supplements.") The Enforcement Bureau hereby moves that Sobel's Supplements be stricken.

2. The Supplements relate to Sobel's June 7, 2002, Petition for Reconsideration (the "*Petition*") of the Commission's *Memorandum Opinion and Order*, 17 FCC Rcd 8562 (2002) in the above-captioned matter (the "*MO&O*"). The Enforcement Bureau filed its Opposition on June 20. On July 2, Sobel filed his Reply to the Bureau's Opposition, thereby completing the

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pleading cycle.’ Nevertheless, Sobel then filed his two Supplements.

2. Section 1.106 of the Commission’s rules does not contemplate the filing of supplements to a petition for reconsideration. Moreover, Sobel has not demonstrated any compelling reason for the Commission to accept his unauthorized pleadings. Accordingly, the Supplements should be stricken.

3. In the Supplements, Sobel continues to maintain that the Commission’s staff is engaged in an ongoing pattern of discrimination against himself and James A. Kay, Jr. (“Kay”). At page 1 of each of the Supplements, Sobel maintains that Kay’s filings are being ignored by the Wireless Telecommunications Bureau and/or the Enforcement Bureau “in a pattern of discrimination and selective prosecution.” As noted by the Bureau in its June 20, 2002, Opposition to Sobel’s Petition, the *MO&O*, which formally denied his February 27, 1998, *Revised Request for Inquiry* in which he initially made these contentions, the Commission’s conclusion that the matters raised in the pleading had **no** impact on the resolution of the instant proceeding’ **was** appropriate. Sobel’s efforts to further burden the record with his utterly meritless³ allegations of purported wrongdoing by the Commission’s staff should not be

¹ Section 1.106 of the Commission’s rules. *47 C.F.R. § 1.106*.

² *MO&O* at para. 11, referring to *Mark Sobel*, 17 FCC Rcd 1872 (2002) at para 9.

³ Contrary to Sobel’s allegations, the Wireless Telecommunications Bureau and the Enforcement Bureau have devoted, and continue to expend, substantial resources on the matters initiated by Kay through his multitude of filings. Since January 2002, the Commission and its staff have issued no fewer than 11 orders and a public notice relating to non-hearing matters in response to these submissions. *See, Kay*, FCC 03-27 (rel. February 11, 2003); *Charles T. Crawford et al.*, 17 FCC Rcd 19,328 (rel. October 4, 2002); *Samuel Moses*, 17 FCC Rcd 17,137 (WTB, rel. September 16, 2002); *James A. Kay Seeking a Finder’s Preference for Call sign WNP4325*, 17

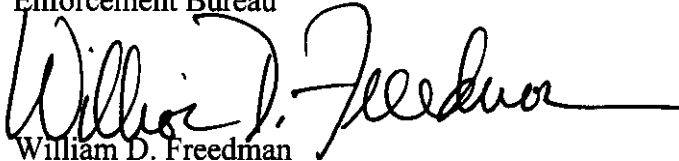
countenanced.

4. For the foregoing reasons, Sobel's Supplements should be stricken without further consideration by the Commission.

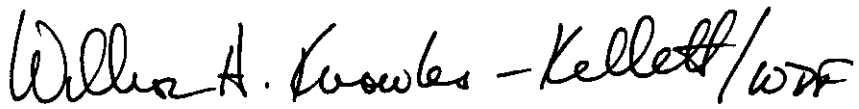
Respectfully submitted,



Maureen F. Del Duca
Chief, Investigations and Hearings Division
Enforcement Bureau



William D. Freedman
Deputy Chief, Investigations and Hearings Division
Enforcement Bureau



William H. Knowles-Kellett
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March 25, 2003

FCC Rcd 16,306 (WTB, rel. August 30, 2002); *Regents of the University of California*, 17 FCC Rcd 12,891 (WTB, rel. July 2, 2002); *Mobile Relay Associates*, 17 FCC Rcd 11,277 (WTB rel. June 20, 2002); *James A. Kay*, 17 FCC Rcd 5951 (rel. April 1, 2002); *S&L Teen Hospital Shuttle*, 17 FCC Rcd 7899 (rel. April 23, 2002); *James A. Kay, Jr.*, 17 FCC Rcd 5951 (WTB, rel. April 1, 2002); *James Crawford*, 17 FCC Rcd 2014 (rel. January 31, 2002); *Regents of the University of California*, 17 FCC Rcd 1393 (WTB, rel. January 15, 2002); *Public Notice*, 17 FCC Rcd 548 (WTB, rel. January 9, 2002).

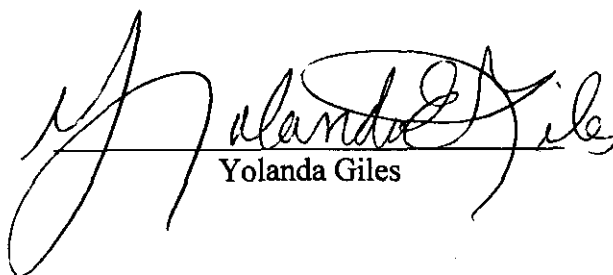
CERTIFICATE OF SERVICE

I, Yolanda Giles, a staff assistant in the Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, certify that I have, on this 25th day of March, 2003, sent by first class mail (unless otherwise indicated), copies of the foregoing "Enforcement Bureau's Motion to Strike Supplements to Petition for Reconsideration" to:

Robert J. Keller, Esquire
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(Counsel for James A. Kay, Jr.)

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Federal Communications Commission
Washington, D.C. 20554
(Via Hand Delivery)



Yolanda Giles

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pleading cycle.’ Nevertheless, **Sobel** then filed **his** two Supplements.

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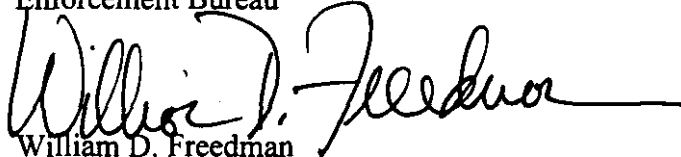
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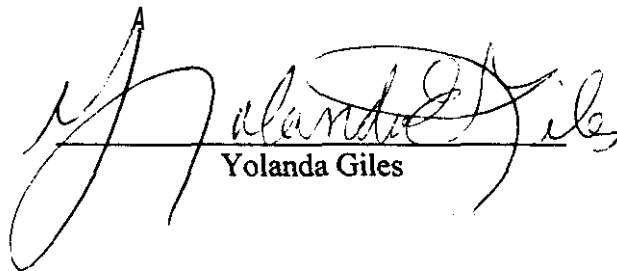
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